IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

RP.No. 696 of 2007(J)

AGAINST THE JUDGEMENT/ORDER IN WPC.12697/2007
.....

: REVIEW PETITIONER/23RD PETITIONER

K.P.RAJAGOPAL, AGED 40 YEARS,
S/O.K.RAMAN NAIR, RESIDING AT BLOCK NO.5, G2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

BY ADV. SRI.V.V.SURENDRAN
SRI.P.A.HARISH

RESPONDENTS: RESPONDENTS AND PETITIONERS 1 TO 22 & 24 TO 32
---

1. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, GENERAL, KOZHIKODE.

2. THE KOZHIKODE BHAVANA NIRMANA
SAHAKARANA SANGHAM, REPRESENTED BY ITS SECRETARY,
ERANHIPALAM, KOZHIKODE.

3. THE SECRETARY,
KOZHIKODE BAHVANA NIRMMANA SAHAKARANA SANGHAM,
ERANHIPALAM, KOZHIKODE.

4. KRISHNA MOORTHY, AGED 88 YEARS,
S/O.VISWANATHA IYER, RESIDING AT BLOCK NO.3,G2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

5. GOUTHAMAN, AGED 80 YEARS,
S/O.DAMODARAN, RESIDING AT BLOCK NO.7, F2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

6. M.RUKMINI BHAI, AGED 64 YEARS,
D/O.T.K.KUMARAN NAIR, RESIDING AT BLOCK NO.1, F2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

7. ZUBAIDA KHATUN, AGED 59 YEARS,
D/O.MOIDEEN, RESIDING AT BLOCK NO.6,G1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

8. SYJU.V.R., S/O.VIJAYARAGHAVAN,
RESIDING AT BLOCK NO.9, G2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

9. MARIAMMA GEORGE, AGED 52 YEARS,
D/O.C.L.PAUL, RESIDING AT BLOCK NO.1, F1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

10. ELSAMMA JOHN, AGED 50 YEARS,
W/O.JOH, RESIDING AT BLOCK NO.8,F1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

11. K.G.GOPALAKRISHNAN, AGED 62 YEARS,
S/O.A.C.GOPALAN NAIR, RESIDING AT BLOCK NO.6,F1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

12. M.D.AUGUSTY, AGED 58 YEARS, S/O.DEVASSY,
RESIDING AT BLOCK NO.8,S2, CHINTHAVALAPPU FLATS,
RAM MOHAN ROAD, KOZHIKODE.

13. DR.K.GOPINATH, AGED 67 YEARS,
S/O.KRISHNAN, RESIDING AT BLOCK NO.5, S2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

14. T.N.AMMINI, AGED 58 YEARS,
D/O.E.K.K.RAJA, RESIDING AT BLOCK NO.10, G1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

15. CHERIAN PAUL, AGED 45 YEARS, S/O.PAIL,
RESIDING AT BLOCK NO.8, G1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

16. DR.P.T.RAJAMMA, AGED 73 YEARS,
D/O.KOCHUNNI KAIMAL, RESIDING AT BLOCK NO.4,G1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

17. ARATHY R.RAO, AGED 50 YEARS,
D/O.N.R.PRABHU, RESIDING AT BLOCK NO.10, S1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

18. P.P.SREEMATHY, AGED 54 YEARS,
D/O.KRISHNA KURUP, RESIDING AT BLOCK NO.9, F2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

19. LAHARIKANTH D. SHAH, AGED 65 YEARS,
S/O.DEVAKARAM LAKSHMICHAND, RESIDING AT BLOCK NO.4
S1, CHINTHAVALAPPU FLATS, RAM MOHAN ROAD,
KOZHIKODE.

20. DR.C.P.RAUF, AGED 55 YEARS,
S/O.IMBICHI AHAMMED, RESIDING AT BLOCK NO.8, F2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD,
KOZHIKODE.

21. PADMINI MENON, AGED 72 YEARS,
D/O.SANKUNNI MENON, RESIDING AT BLOCK NO.6, S1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

22. JAYASREE VARMA, AGED 58 YEARS,
D/O A.R.RAMA VARMA, RESIDING AT BLOCK NO.10,F1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

23. OMANA LUCKOSE, AGED 44 YEARS,
D/O.ABRAHAM, RESIDING AT BLOCK NO.6, F2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

24. T.K.VINID KUMAR, AGED 48 YEARS,
S/O.T.K.SANKARAN, RESIDING AT BLOCK NO.5, G1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD,
KOZHIKODE.

25. SIVAPRAKASH, AGED 42 YEARS, S/O K.T.NANU
RESIDING AT BLOCK NO.6, S2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

26. JAVERILAL.D.SHAH, AGED 74 YEARS,
S/O DEVAKARAM LAKSHMICHAND, RESIDING AT BLOCK NO.7
S2, CHINTHAVALAPPU FLATS, RAM MOHAN ROAD,
KOZHIKODE.

27. A.ABOOBACKER, AGED 48 YEARS,
S/O ABDUL HAMEED, RESIDING AT BLOCK NO.5, F1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

28. T.RAVIPRASADA MENON, AGED 75 YEARS,
S/O.GOVINDA MENON, RESIDING AT BLOCK NO.2, F1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD,
KOZHIKODE.

29. SIVASANKARAN.P., AGED 48 YEARS,
S/O.PRABHAKARA MENON, RESIDING AT BLOCK NO.2, S2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

30. THANKAM HARIHARAN, AGED 60 YEARS,
D/O.VAIDYANATHAN, RESIDING AT BLOCK NO.3, FII,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

31. C.R.VENKITESWARAN, AGED 55 YEARS,
S/O.RAMANATHAN, RESIDING AT BLOCK NO.4, G2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

32. SUDHA ARAVINDAN, AGED 57 YEARS,
D/O.KARUNAKARA MENON, RESIDING AT BLOCK NO.5, S1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

33. A.SASINDRAN, AGED 48 YEARS, S/O.KARUNAN,
RESIDING AT BLOCK NO.1, G1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

34. SYAM SUNDAR, AGED 42 YEARS,
S/O.RAMAKRISHNAN ERADI, RESIDING AT BLOCK NO.1,S2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

35. P.S.RAMACHANDRAN, AGED 48 YEARS,
RESIDING AT BLOCK NO.8, G1, CHINTHAVALAPPU FLATS,
RAM MOHAN ROAD, KOZHIKODE.

36. MARTIN JOSEPH, AGED 40 YEARS,
S/O.JOSEPH, RESIDING AT BLOCK NO.7, F1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

BY ADV. SHRI.P.N.SANTHOSH, GOVERNMENT PLEADER
SRI.P.C.SASIDHARAN, SC, KPSC – FOR R2 & R3

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 02/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

R.P. No. 696 of 2007

Dated, this the 2nd day of August, 2007

O R D E R

This review is filed to expunge some observations in the judgment that the society consisting of the flat owners can utilize the common facilities for the benefit of the members. I am unable to appreciate the dispute among the members of the Society because if the Management of the Society goes against the interest of the majority of the members, I see no reason why the majority cannot remove the governing body. Since dispute among the members in the Co-operative Society can be settled either in arbitration or through a complaint to the Registrar for enquiry under Section 65 of the Co-operative Societies Act, this review petition is disposed of leaving freedom to the petitioner to seek appropriate remedy under the Co-operative Societies Act.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg